

ENVIRONMENTAL PROTECTION COMMISSION[567]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455B.304, 455C.9, 455D.7(1), and 455E.9(1), the Environmental Protection Commission amends Chapter 107, “Beverage Container Deposits,” and rescinds Chapter 110, “Hydrogeologic Investigation and Monitoring Requirements,” Chapter 112, “Sanitary Landfills: Biosolids Monofills,” Chapter 210, “Beautification Grant Program,” and Chapter 218, “Waste Tire Stockpile Abatement Program,” Iowa Administrative Code.

This rule making results from the comprehensive five-year rules review that the Department of Natural Resources (Department) is currently undertaking pursuant to Iowa Code section 17A.7(2). The goal of the review is to identify and eliminate rules that are outdated, redundant or inconsistent with statute or other rules. This rule making eliminates unnecessary and unused verbiage and corrects cross references, thus simplifying the rules of the Commission and making them easier to use and understand.

Amendments to Chapter 107, Beverage Container Deposits.

- The second unnumbered paragraph of rule 567—107.1(455C) relates to Iowa Code section 455C.8, which was repealed in 2013. Therefore, the paragraph is rescinded.

- The definitions of “alcoholic beverage,” “alcoholic liquor,” “beer,” and “wine” in rule 567—107.2(455C) are unnecessarily redundant given the definitions cross-referenced in the definition of “beverage” in rule 567—107.2(455C) (see Iowa Code section 123.3). Therefore, these definitions are rescinded.

- The definition of “beverage” in rule 567—107.2(455C) is rescinded in order to be replaced with a new definition of “beverage” that updates the cross references to the definitions of “alcoholic liquor,” “beer,” and “wine” in Iowa Code section 123.3. In addition, the new definition of “beverage” includes a cross reference to the definition of “high alcoholic content beer” in Iowa Code section 123.3. The new definition of “beverage” also lists all referenced items from Iowa Code section 123.3 in alphabetical order.

- Rule 567—107.16(82GA, HF2700) provides means for managing a grant program for beverage container redemption centers under Iowa Code section 455C.17. The grant program was funded once in 2008. No funding has been appropriated since, and additional funding is not anticipated. If the grant program is ever funded again, it is likely that starting over with new administrative rules fashioned for the circumstances at that time would be beneficial. Therefore, this rule is rescinded.

Rescission of Chapter 110, Hydrogeologic Investigation and Monitoring Requirements.

Provisions of this chapter have been incrementally incorporated into other individual landfill chapters and no longer apply to any sanitary disposal projects currently permitted by the Department. The chapter is obsolete and does not serve the purpose for which it was originally drafted.

Rescission of Chapter 112, Sanitary Landfills: Biosolids Monofills. This chapter is no longer implemented because there are no landfills that accept only biosolids in Iowa. Should a facility decide to construct a landfill to accept biosolids, the existing Chapter 113 for municipal solid waste landfills would be applicable.

Rescission of Chapter 210, Beautification Grant Program. The funding for this program expired on June 30, 2014. There is no longer a need for this chapter.

Rescission of Chapter 218, Waste Tire Stockpile Abatement Program. This program was funded through a surcharge on vehicle titles; however, the funding expired at the end of fiscal year 2007. Iowa Code section 455D.11F, cited as the authority for this chapter, was repealed in 2004. The correct statutory authority for this chapter is Iowa Code section 455D.11C(2)“d.” Although there are still stockpiles of waste tires, without funding, this program cannot continue.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1823C** on January 21, 2015. A public hearing was held on February 18, 2015. No public comment was received. The amendments are identical to those published under Notice of Intended Action.

The Environmental Protection Commission adopted these amendments on March 17, 2015.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 455C and sections 455B.304, 455D.11C and 455E.11.

These amendments will become effective May 20, 2015.

The following amendments are adopted.

ITEM 1. Rescind the second unnumbered paragraph in rule **567—107.1(455C)**.

ITEM 2. Rescind the definitions of “Alcoholic beverage,” “Alcoholic liquor,” “Beer” and “Wine” in rule **567—107.2(455C)**.

ITEM 3. Rescind the definition of “Beverage” in rule **567—107.2(455C)** and adopt the following **new** definition in lieu thereof:

“*Beverage*” means alcoholic liquor or intoxicating liquor as defined in Iowa Code section 123.3(5), beer as defined in Iowa Code section 123.3(7), high alcoholic content beer as defined in Iowa Code section 123.3(19), wine as defined in Iowa Code section 123.3(47), and mineral water, soda water or similar carbonated soft drinks in liquid form intended for human consumption.

ITEM 4. Rescind and reserve rule **567—107.16(82GA, HF2700)**.

ITEM 5. Rescind and reserve **567—Chapter 110**.

ITEM 6. Rescind and reserve **567—Chapter 112**.

ITEM 7. Rescind and reserve **567—Chapter 210**.

ITEM 8. Rescind and reserve **567—Chapter 218**.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/15/15.